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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,325	07/05/2001	Paul Toomey	GD47/01	2577

49716 7590 07/26/2005

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EXAMINER

FLEURANTIN, JEAN B

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/899,325

Applicant(s)

TOOMEY, PAUL

Examiner

JEAN B. FLEURANTIN

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This is in response to Applicant(s) arguments filed on 09 May 2005, in which claims 1-9 remain pending.

2. Document (Revocation/Appointment of Power of Attorney or Authorization of Agent) filed 1/13/04 has been entered.

### ***Response to Applicant' Remarks***

3. Applicant's arguments filed 09 May 2005 have been fully considered but they are not persuasive for the following reasons, see sections A and B.

### ***Claim Rejections - 35 USC § 103***

A. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,978,768 issued to McGovern ("McGovern") in view of U.S. Patent No. 6,385,620 issued to Kurzius et al., ("Kurzius").

As per claim 2, McGovern discloses a computerized information system of workforce development services as claimed comprises a server having a plurality of one-stop services for job seekers, staff, employers, and training providers (thus, a software program recorded on a computer readable medium for controlling a computer of a potential employer to generate a listing of available employment positions that can be accessed via the Internet, specifically the software program is adaptable to be run by an employer's computer to control the computer to generate a computer readable file 'position file' that includes information pertaining to available employment positions and which can be accessed from a remote site via the Internet; which is equivalent to a server having a plurality of one-stop services for job seekers, staff, employers, and training providers) (see col. 4, lines 9-16);

a database of stored procedures operatively coupled with the server (thus, the remote site program controls the remote site computer 44 to read from the database a file including the position information that has been uploaded from company computers 42, the remote site program controls the remote site computer 44 to compare the companies included in the read database to a previously stored list of companies wanting their position information to be exported to the external sites; which is readable as a database running stored procedures operatively coupled with the server for the two-way communication of information) (see col. 16, lines 30-38); and

a plurality of input/output client devices operatively coupled with the server (thus, the remote location computer 44 is maintained by a service provider which typically has contractual relationships with the employers or companies 41, the job seeker computer

40, companies computers 42 and remote site computer 44 are provided with suitable modems and communications software so that they can communicate with each other via the Internet; which is readable as a plurality of input/output client devices operatively coupled with the server) (see col. 6, lines 49-56). McGovern fails explicitly to disclose with the one-stop services comprising a data handling system that allows a user to input user data and to then receive an analysis of the pertinent of that data in regards to the job market and other employments seekers. However, Kurzius discloses an engine software module, in which candidate profiles (data) entered; candidate matching engine may include matching algorithms wherein different weights can be assigned to different criteria depending on data, employer (see Kurzius col. 7, line 48 to col. 8, line 40). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the teachings of McGovern and Kurzius with a data handling system that allows a user to input user data and to then receive an analysis of the pertinent of that data in regards to the job market and other employments seekers. Such a combination would allow the teachings of McGovern and Kurzius to provide a system for automated candidate recruiting on a network that includes a computer readable medium and computer program further operable to parse candidate qualification data in response to receiving a candidate profile (see Kurzius col. 2, lines 8-19).

As per claim 3, the limitations of claim 3 are rejected in the analysis of claim 2, and this claim is rejected on that basis.

As per claim 4, in addition to claim 2, McGovern further discloses, wherein the job seeker services belong to a group of services that includes ~~include, but are not limited to,~~ registration and, preparation services, and community services and benefits information, and resume and cover letter builder, and staff and employer messaging (see col. 13, lines 27-35).

As per claim 5, McGovern discloses the system, wherein the intensive and staff services belong to a group of services that includes ~~include, but are not limited to,~~ registration, and common intake, case management, enrollment tracking, and system management and maintenance, (see col. 11, lines 34-36).

As per claim 6, McGovern discloses, wherein the employer services belong to a group of services that includes ~~include, but are not limited to,~~ registration, online job order management, online resume review, resume search by specific criteria, staff and job seeker messaging, (see col. 9, lines 41-53).

As per claim 7, McGovern further discloses, including a plurality of additional services within the server consisting of training provider services and reporting services, (see col. 18, lines 53-55).

As per claim 8, McGovern discloses, wherein the training provider services belong to a group of services that includes ~~include, but are not limited to~~, registration, program information management, program completer details management, and program approval request submission, and individual training account status review, (see col. 18, lines 53-55).

As per claim 9, McGovern discloses, wherein the reporting services belong to a group of services that includes ~~include, but are not limited to~~, comprehensive reporting, and Workforce Investment Act performance monitoring, and usage tracking, (see cols. 3-4, lines 66-31).

i) Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,978,768 issued to McGovern ("McGovern").

As per claim 1, McGovern discloses a computerized information system for accessing workforce development services by job seek seekers, employers, training providers, benefit applicant, and students, ~~and the like, and~~, with system allowing staff to manage and maintain the system, providing job seekers with one-stop universal access to self-service and staff-assisted job seeker services (see cols. 3-4, lines 66-8), as claimed the system comprises in combination: the server also having a plurality of additional services including training provider services and reporting services, the training provider services having a plurality of software components including

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registration, program information management, program completer details management, program approval request submission, individual training account status review, the reporting services having a plurality of software components including comprehensive reporting, Workforce Investment Act performance monitoring, and usage tracking (thus, a computer of a potential employer to generate a listing of available employment positions that can be accessed via the Internet, specifically the software program is adaptable to be run by an employer's computer to control the computer to generate a computer readable file 'position file' that includes information pertaining to available employment positions and which can be accessed from a remote site via the Internet; which is readable as the server also having a plurality of additional services including training provider services and reporting services, the training provider services having a plurality of software components including registration, program information management, program completer details management) (see col. 4, lines 9-16);

a database running stored procedures operatively coupled with the server for the two-way communication of information (thus, the remote site program controls the remote site computer 44 to read from the database a tile including the position information that has been uploaded from company computers 42, the remote site program controls the remote site computer 44 to compare the companies included in the read database to a previously stored list of companies wanting their position information to be exported to the external sites; which is readable as a database



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running stored procedures operatively coupled with the server for the two-way communication of information)(see col. 16, lines 30-38); and

a plurality of input/output client devices operatively coupled with the server for the two-way communication of information, the plurality of devices allowing access from job seekers, staff employers, and training providers providing job seekers with universal access to self-service and staff-assisted workforce development services (see col. 15, lines 50-58). But, McGovern does not explicitly indicate a server having a plurality of core services including job seeker services, intensive and staff-assisted services, and employer services, the job seeker services including a plurality of software components providing registration, online orientation and help, labor market services, preparation services, skills matching, community services and benefits information, self directed services, link to job banks, financial services, resume and cover letter builder, consumer reports, resource tracking, appointment calendar, staff and employer messaging, online file folder management, the intensive and staff assisted services including a plurality of software components providing registration, common intake, case management, full eligibility application, case notes, job seeker employment plan, employment tracking, program outcome tracking, follow-up tracking, welfare-to-work, self directed core service tracking, finance and grant tracking, appointment calendar, user messaging, job seeker online file folder management, user maintenance, system management and maintenance, the employer services including a plurality of software components providing registration, online job order management, online resume review, resume search by specific criteria, staff and job seeker messaging, employment incentives,

references and resources, regional economic information, industry and labor profiles. However, McGovern implicitly indicates a method which enables a plurality of companies to advertise job positions at a single location accessible via a computer network, such as Internet enables a job seeker to access those positions via the computer network, a computer of a potential employer to generate a listing of available employment positions that can be accessed via the Internet, specifically the software program is adaptable to be run by an employer's computer to control the computer to generate a computer readable file 'position file' that includes information pertaining to available employment positions and which can be accessed from a remote site via the Internet; which is readable as a server having a plurality of core services including job seeker services, intensive and staff-assisted services, and employer services, the job seeker services including a plurality of software components providing registration, online orientation and help, labor market services, preparation services, skills matching, community services and benefits information, self directed services, link to job banks, financial services, resume and cover letter builder, consumer reports, resource tracking, appointment calendar, staff and employer messaging, online file folder management, the intensive and staff assisted services including a plurality of software components providing registration, (see cols. 3-4, lines 66-31). Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the teachings of McGovern with a server having a plurality of core services including job seeker services, intensive and staff-assisted services, and employer services, the job seeker services including a plurality of software components providing registration,

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online orientation and help, labor market services, preparation services, skills matching, community services and benefits information, self directed services, link to job banks, financial services, resume and cover letter builder, consumer reports, resource tracking, appointment calendar, staff and employer messaging, online file folder management, the intensive and staff assisted services including a plurality of software components providing registration. This modification would allow the teachings of McGovern to provide a method and which enables an employer to advertise available positions on a computer network, (see col. 3, lines 55-57).

B. As indicated by the Applicant(s), page 6, paragraph 2, "It should be noted that Claims objections have been fully responded to by the amendment of the claims." Thus, the objections have been withdrawn.

In response to applicant's argument, page 7 that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., ... For example, under the present invention a person may sign on and identify themselves as a person with a B.A. degree in computer engineering...) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument(s), page 7 that "the present invention provides something that McGovern does not teach." Has/Have been found persuasive only to the extent the prior of record does not specifically teach the limitations " provides an analysis of the applicant's qualifications, skills, abilities, and career requirements in regards ... as a whole." However, Kurzius discloses such limitations.

Applicant(s) stated, page 9, last paragraph, that "Applicant submits that there are broad differences between the teachings of the McGovern patent and those taught by the present invention." Respectfully, Applicant(s) appear(s) to misinterpret the guidance given under MPEP 2142. In particular, references are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures, In re Bozek, 163 USPQ 545 (CCPA 1969).

It is submitted that Related Art discloses the claimed limitations as follow: a computerized information system for accessing workforce development services by job seek seekers, employers, training providers, benefit applicant, and students, ~~and the like, and, with system~~ allowing staff to manage and maintain the system, providing job seekers with one-stop universal access to self-service and staff-assisted job seeker services (see cols. 3-4, lines 66-8), as claimed the system comprises in combination: the server also having a plurality of additional services including training provider services and reporting services, the training provider services having a plurality of software components including registration, program information management, program

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completer details management, program approval request submission, individual training account status review, the reporting services having a plurality of software components including comprehensive reporting, Workforce Investment Act performance monitoring, and usage tracking (thus, a computer of a potential employer to generate a listing of available employment positions that can be accessed via the Internet, specifically the software program is adaptable to be run by an employer's computer to control the computer to generate a computer readable file 'position file' that includes information pertaining to available employment positions and which can be accessed from a remote site via the Internet; which is readable as the server also having a plurality of additional services including training provider services and reporting services, the training provider services having a plurality of software components including registration, program information management, program completer details management) (see col. 4, lines 9-16);

a database running stored procedures operatively coupled with the server for the two-way communication of information (thus, the remote site program controls the remote site computer 44 to read from the database a file including the position information that has been uploaded from company computers 42, the remote site program controls the remote site computer 44 to compare the companies included in the read database to a previously stored list of companies wanting their position information to be exported to the external sites; which is readable as a database running stored procedures operatively coupled with the server for the two-way communication of information)(see col. 16, lines 30-38); and

a plurality of input/output client devices operatively coupled with the server for the two-way communication of information, the plurality of devices allowing access from job seekers, staff employers, and training providers providing job seekers with universal access to self-service and staff-assisted workforce development services (see col. 15, lines 50-58). But, McGovern does not explicitly indicate a server having a plurality of core services including job seeker services, intensive and staff-assisted services, and employer services, the job seeker services including a plurality of software components providing registration, online orientation and help, labor market services, preparation services, skills matching, community services and benefits information, self directed services, link to job banks, financial services, resume and cover letter builder, consumer reports, resource tracking, appointment calendar, staff and employer messaging, online file folder management, the intensive and staff assisted services including a plurality of software components providing registration, common intake, case management, full eligibility application, case notes, job seeker employment plan, employment tracking, program outcome tracking, follow-up tracking, welfare-to-work, self directed core service tracking, finance and grant tracking, appointment calendar, user messaging, job seeker online file folder management, user maintenance, system management and maintenance, the employer services including a plurality of software components providing registration, online job order management, online resume review, resume search by specific criteria, staff and job seeker messaging, employment incentives, references and resources, regional economic information, industry and labor profiles. However, McGovern implicitly indicates a method which enables a plurality of

companies to advertise job positions at a single location accessible via a computer network, such as Internet enables a job seeker to access those positions via the computer network, a computer of a potential employer to generate a listing of available employment positions that can be accessed via the Internet, specifically the software program is adaptable to be run by an employer's computer to control the computer to generate a computer readable file 'position file' that includes information pertaining to available employment positions and which can be accessed from a remote site via the Internet; which is readable as a server having a plurality of core services including job seeker services, intensive and staff-assisted services, and employer services, the job seeker services including a plurality of software components providing registration, online orientation and help, labor market services, preparation services, skills matching, community services and benefits information, self directed services, link to job banks, financial services, resume and cover letter builder, consumer reports, resource tracking, appointment calendar, staff and employer messaging, online file folder management, the intensive and staff assisted services including a plurality of software components providing registration, (see cols. 3-4, lines 66-31). Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the teachings of McGovern with a server having a plurality of core services including job seeker services, intensive and staff-assisted services, and employer services, the job seeker services including a plurality of software components providing registration, online orientation and help, labor market services, preparation services, skills matching, community services and benefits information, self directed services, link to job banks,

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financial services, resume and cover letter builder, consumer reports, resource tracking, appointment calendar, staff and employer messaging, online file folder management, the intensive and staff assisted services including a plurality of software components providing registration. This modification would allow the teachings of McGovern to provide a method and which enables an employer to advertise available positions on a computer network, (see col. 3, lines 55-57).



MPEP 2111 Claim Interpretation; Broadest Reasonable Interpretation

During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification" Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). The court found that applicant was advocating ... the impermissible importation of subject matter from the specification into the claim. See also In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997) (The court held that the PTO is not required, in the course of prosecution, to interpret claims in applications in the same manner as a court would interpret claims in an infringement suit. Rather, the "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definition or otherwise that may be afforded by the written description contained in application's specification.").

The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. In re Cortright, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

For the above reasons, it is believed that the last Office Action was proper.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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### CONTACT INFORMATION

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEAN B. FLEURANTIN whose telephone number is 571 – 272-4035. The examiner can normally be reached on 7:05 to 4:35.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 571 – 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

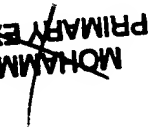
Jean Bolte Fleurantin

Patent Examiner

Technology Center 2100

July 15, 2005

  
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